

SUMMARY OF COMMITTEE DRAFT

Bill 60

RELATING TO PUBLICATION DISPENSING RACKS

PROPOSED CD1:

1. Clarifies that police officers have the authority to enforce ROH Section 29-11.11 (c).
2. Sets forth procedures on arrest and the issuances of summons or citations by police officers for violations of Sec. 29-11.11.
3. Makes technical and nonsubstantive changes.



A BILL FOR AN ORDINANCE

RELATING TO PUBLICATION DISPENSING RACKS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to prohibit certain uses of publication dispensing racks.

SECTION 2. Section 29-11.11, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 29-11.11 Prohibitions.

(a) The following prohibitions shall apply to a publication dispensing device:

- (1) There shall be no publication dispensing device allowed and no person may install or direct another person to install any publication dispensing device on any sidewalk within the Waikiki special district.
- (2) Any publication dispensing device installed in violation of this article shall be subject to removal by, and forfeiture to, the director if not removed within five days of demand for removal thereof by the director.
- (3) The director or a person or agency designated by the director shall be responsible for the removal and forfeiture of the publication dispensing device.

(b) The following prohibitions shall apply to publication dispensing rack spaces, publication dispensing rack inserts and publication dispensing rack enclosures:

- (1) No person may move, remove, destroy, deface or detach any publication dispensing rack enclosure unless directed to do so by the director.
- (2) No advertising, signage or lettering of any kind shall appear on the exterior of, or be otherwise visible from the exterior of, any publication dispensing rack insert, any publication dispensing rack enclosure, or any space within a publication dispensing rack enclosure. For the purposes of this section, the display of a copy of the publication being dispensed, the designation assigned to a space by the director, and/or instructions on the dispensing of the publication from the publication dispensing rack insert shall not be deemed advertising, signage or lettering, provided that the dispensing



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instructions, if any, shall not protrude beyond two rectangles with dimensions of 3 1/2 inches by 4 inches.

- (3) No publication dispensing rack insert may be inserted within a space in a publication dispensing rack enclosure, except pursuant to a current and valid permit issued under this article. Any publication dispensing rack insert so inserted without a current and valid permit shall be subject to removal by and forfeiture to the director or a person or agency designated by the director.
 - (4) No person may place any trash, rubbish or, without the approval of the director, any other material, other than a permitted publication dispensing rack insert and copies of the permitted publication, in a space in a publication dispensing rack enclosure.
 - (5) No person may move, remove, deface or detach any publication dispensing rack insert that has been inserted into a publication dispensing rack enclosure under a current and valid permit without authorization of the permittee or the city.
 - (6) No person may climb, sit, stand, or lay on top of, inside of, or under any publication dispensing rack enclosure, any space within a publication dispensing rack enclosure, or any publication dispensing rack insert without authorization of the city.
- (c) The director shall adopt rules, pursuant to Section 29-11.15, to establish procedures for giving notice of violations, and for the removal and forfeiture of publication dispensing devices in accordance with subsection (a), or of publication dispensing rack inserts in accordance with subsection (b)."

SECTION 3. Section 29-11.3, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 29-11.13 Enforcement.

The director and any person or agency designated by the director may enforce and administer the provisions of this article. Notwithstanding the foregoing, any authorized police officer has the authority to enforce Section 29-11.11(c) as follows:

- (a) Procedure on Arrest. Any authorized police officer upon making an arrest for a violation of Section 29-11.11(c), shall take the name and address of the alleged violator and shall issue to the alleged violator in writing a summons or citation



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hereinafter described, notifying the alleged violator to answer to the complaint to be entered against such person at a place and at a time provided in said summons or citation.

(b) Summons or Citation.

- (1) There shall be provided for use by authorized police officers a form of summons or citation for use in citing violators of this article which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.
- (2) In every case when a citation is issued, the original of the same shall be given to the violator; provided, that the administrative judge of the district court may prescribe by giving to the violator a carbon copy of the citation and provide for the disposition of the original and any other copies.
- (3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original."

SECTION 4. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 60 (2013), CD1

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SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Stanley Chang

DATE OF INTRODUCTION:

September 5, 2013
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu